

CALIFORNIA STATE BOARD OF EDUCATION

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Secretary & Executive Officer
Hon. Jack O'Connell

Executive Director
Richard W. Brandsma

AGENDA

March 12-13, 2003

SCHEDULE OF MEETINGS

LOCATION

Wednesday, March 12, 2003

9:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al. v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Californians for Justice Education Fund, et al v. State Board of Education*, San Francisco City/County Superior Court, Case No. CPF-03-50227
- *Campbell Union High School District. et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402.
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

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Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Wednesday, March 12, 2003

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION
Public Session

California Department of Education

1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Thursday, March 13, 2003

8:00 a.m. ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education

1430 N Street, Room 1101
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(916) 319-0827

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

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Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

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ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0176.

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session
AGENDA

March 12-13, 2003

Wednesday, March 12, 2003 – 9:00 a.m.± (Upon adjournment of Closed Session if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

Call to Order

Salute to the Flag

Approval of Minutes (February 2003 Meetings)

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to the Thursday session)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
ITEM 3	No Child Left Behind (NCLB) Act, Including, But Not Limited to, Update on NCLB	INFORMATION ACTION
ITEM 4	No Child Left Behind (NCLB): School Accountability Report Card (SARC).	INFORMATION

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ITEM 5	The May 1, 2003 submission to the United States Department of Education of specified information pertaining to the No Child Left Behind (NCLB) Act.	INFORMATION
ITEM 6	Standardized Testing and Reporting (STAR) Program: Adoption of Performance Standards (Levels) for the California Integrated Science Standards Tests.	INFORMATION ACTION
ITEM 7	Standardized Testing and Reporting (STAR): Including, but not limited to, the Plan for Releasing California Standards Test (CST) Items.	INFORMATION ACTION
ITEM 8	California English Language Development Test (CELDT): Including, but not limited to, 2002 Preliminary Results.	INFORMATION ACTION
ITEM 9	California High School Exit Examination (CAHSEE): Including, but not limited to, CAHSEE Program Update.	INFORMATION ACTION
ITEM 10	Golden State Examination (GSE) Program: Update on the GSE Program.	INFORMATION ACTION
ITEM 11	Proposed intervention for 24 schools in Cohort 1 of the Immediate Intervention/Underperforming Schools Program (II/USP) that failed to show significant growth in 2000-2001 and 2001-2002.	INFORMATION ACTION
ITEM 12	2003 Foreign Language Primary Adoption Instructional Materials Advisory Panel (IMAP) and Language Expert (LE) applications for the 2003 K-8 Foreign Language Adoption of Instructional Materials – Third Cohort.	INFORMATION ACTION
ITEM 13	Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula.	INFORMATION ACTION

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ITEM 14	Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under The Principal Training Program (AB 75).	ACTION
ITEM 15	AB 75 Principal Training Program (Chapter 697, Statutes of 2001): Including, but not Limited to, Modification of Module 1 Criteria and Guidelines for Provider Applicants and Local Education Agencies.	INFORMATION ACTION
ITEM 16	For Information: Guidelines for administration and reporting locally-adopted tests of achievement as indicators in the Alternative Schools Accountability Model (ASAM).	INFORMATION

Thursday, March 13, 2003 – 8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

ITEM 17	Assignment of Numbers for Charter School Petitions	ACTION
ITEM 18	2002-3 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	ACTION
ITEM 19	High Priority Schools Grant Program Implementation Grant Awards.	ACTION
ITEM 20	High Priority Schools Grant Program – New Implementation Grant Awards.	ACTION
ITEM 21	Approval of 2002-2003 Consolidated Applications.	ACTION
ITEM 22	Legislative Update: Including, but not limited to, information on committee appointments and legislation.	INFORMATION ACTION
ITEM 23	Charter Schools participation in Special Education Local Plan Areas (SELPAs).	INFORMATION

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ITEM 24	Repeal State Board of Education Waiver Policy: <u>Administrator/Teacher Ratio and Related Penalty</u> Adopted 10/14/88; 6/8/90	ACTION
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WAIVER REQUEST**CONSENT MATTERS**

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

ADULT INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

ITEM WC-1	Request by Simi Valley Unified School District to waive <i>Education Code</i> Section 52522(b) to increase their Adult Education state block entitlement of 5 percent to 7 percent maximum for implementation of approved programs (Adult Innovation and Alternative Instructional Delivery Program). CDSIS-3-12-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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CHARTER SCHOOL ATTENDANCE

ITEM WC-2	Request by the Capistrano Opportunities for Learning Charter School under the authority of <i>Education Code</i> 33054 to waive Title 5 CCR Section 11960(a), related to charter school attendance. CDSIS-13-1-2002 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> Section 33051(c) will apply	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-3	<p>Request by six school districts and two county offices of education for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have audit findings for fiscal year 2001-2002 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.</p> <p>CDSIS-17-01-2003 – Curtis Creek Elementary School District CDSIS-07-01-2003 – Lassen View Elementary School District CDSIS-05-01-2003 – Orchard Elementary School District CDSIS-16-01-2003 – Riverside County Office of Education CDSIS-09-01-2003 – Roseville Joint Union High School District CDSIS-26-01-2003 – Westminster Elementary School District CDSIS-07-02-2003 – Whittier Union High School District CDSIS-06-02-2003 – Ventura County Superintendent of Schools (Recommended for APPROVAL)</p>	ACTION
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STATE MEAL MANDATE (summer school session)

ITEM WC-4	<p>Request by four school districts for a renewal to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.</p> <p>CDSIS-11-12-2002 Foresthill Union School District CDSIS-21-1-2003 Elk Hills School District CDSIS-23-1-2003 Lowell Joint School District CDSIS-3-2-2003 McKittrick School District (Recommended for APPROVAL)</p>	ACTION
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NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

ADULT INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

ITEM W-1	Request by Torrance Unified School District for a renewal to waive <i>Education Code</i> Section 52522(b) to increase their Adult Education state block entitlement of 5 percent to 7 percent maximum for implementation of approved programs (Adult Innovation and Alternative Instructional Delivery Program). CDSIS-4-12-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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EXTENDED SCHOOL YEAR (special education students)

ITEM W-2	Request by Anaheim City School District to waive <i>Title 5, California Code of Regulations, Section 3043(d)</i> , requiring 20 school days (4 hours each) of attendance for extended school year for Special Education students. CDSIS-4-1-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL TIME PENALTY

ITEM W-3	Request by Tipton Elementary School District to waive <i>Education Code</i> Section 46201(c)(1)(2)(3), the longer day instructional time penalty and <i>Education Code</i> Section 46202(a), the penalty for falling below the instructional time 1982-83 baseline for the 2000-2001 school year for kindergarten at Tipton Elementary School . CDSIS-12-1-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-4	Request by Emery Unified School District for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district has an audit finding for the 2000-2001 fiscal year that they failed to “prove” the required posting in three places for 10 days. CDSIS-11-1-2003 (Recommended for APPROVAL)	ACTION
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LOW INCIDENCE FUNDING (Braille)

ITEM W-5	San Diego Unified School District is requesting that <i>Education Code</i> Section 56836.22(c) which designates funds for purchase of specialized books, materials and equipment – to be instead spent on staff time to transcribe those materials into Braille for use by blind students. CDSIS-21-12-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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NON PUBLIC SCHOOL/AGENCY (child specific)

ITEM W-6	Request by Valley Center-Pauma Unified School District to waive <i>Education Code</i> Section 56520(a)(3), which prohibits the use of aversive procedures to eliminate maladaptive behavior, in order to employ a self-injurious behavior inhibitor system (SIBIS) with James G. CDSIS-6-8-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM 25	Title 5 Regulations on Administration of Medication to Pupils at Public Schools.	ACTION
ITEM 26	Request by the Academy of Culture and Technology Petitioners to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	INFORMATION ACTION

ADJOURNMENT OF MEETING